

## NOTICES OF SUBSTANTIVE POLICY STATEMENTS

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

### NOTICE OF SUBSTANTIVE POLICY STATEMENT DEPARTMENT OF WATER RESOURCES

[M07-495]

**1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**

AWS7 Hydrologic Studies Demonstrating Physical Availability of Groundwater for Assured and Adequate Water Supply Applications

**2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**

August 30, 2007

**3. Summary of the contents of the substantive policy statement:**

The Assured and Adequate Water Supply Rules, A.A.C. R12-15-701 through R12-15-730, require applicants to submit hydrologic information to support certain aspects of their applications. An applicant for a physical availability determination, a determination of assured water supply, or a determination of adequate water supply seeking to demonstrate physical availability of groundwater must "submit a hydrologic study, using a method of analysis approved by the Director of the Arizona Department of Water Resources (Director) that accurately describes the hydrology of the affected area." A.A.C. R12-15-716(B). The requirements for demonstrating physical availability of a groundwater supply are based on maximum depth-to-static water levels after a 100-year period. Outside Active Management Areas (AMA), the Director will allow an applicant to use a lower maximum 100-year depth-to-static water level if the applicant demonstrates financial capability to access the groundwater at the lower depth and that "[g]roundwater is available at the lower depth." A.A.C. R12-15-716(C). This Policy explains what elements the Department will require for each of these demonstrations.

**4. Statement as to whether the substantive policy statement is a new statement or a revision:**

New statement

**5. The name, address and telephone number of the person to whom questions and comments about the substantive policy statement may be directed:**

Name: Fred Breedlove, Legislative Liaison

Address: Department of Water Resources  
3550 N. Central Ave., 4th Floor  
Phoenix, AZ 85012-2105

Telephone: (602) 771-8429

**6. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:**

Name: Mary Bolitho, Supervisor  
Information Management

Address: Department of Water Resources  
3550 N. Central Ave., 4th Floor  
Phoenix, AZ 85012-2105

Telephone: (602) 771-8628

Copies are available at \$.25 per page

**NOTICE OF AGENCY SUBSTANTIVE POLICY STATEMENT**  
**DEPARTMENT OF WATER RESOURCES**

[M07-494]

**1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**

GW42 Compliance with Large Municipal Provider Conservation Requirements When There are Overlapping Service Areas of Large Untreated Water Providers and Large Municipal Providers

**2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**

August 29, 2007

**3. Summary of the contents of the substantive policy statement:**

The purpose of this Substantive Policy Statement is to clarify how the Department of Water Resources views deliveries of water by Large Untreated Water Providers in determining compliance with the Management Plan Conservation requirements for Large Municipal Providers.

**4. Statement as to whether the substantive policy statement is a new statement or a revision:**

New statement

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**NOTICE OF AGENCY SUBSTANTIVE POLICY STATEMENT**

**DEPARTMENT OF WATER RESOURCES**

[M07-493]

**1. Title of the substantive policy statement and the substantive policy statement number by which the policy statement is referenced:**

GW43 Interpretation of A.R.S. § 45-454(D)(4) Relating to Exempt Wells

**2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:**

August 29, 2007

**3. Summary of the contents of the substantive policy statement:**

Generally, A.R.S. § 45-454(B) states that non-irrigation wells drilled after April 28, 1983, which have a pump capacity of not more than 35 gallons per minute and for which a notice of intention to drill is filed with the Department, are exempt from the provisions of the groundwater code. In 2005, the Legislature passed S.B. 1190, which amended A.R.S. § 45-454 to prohibit the drilling of an exempt well in initial Active Management Areas on land within 100 feet of the operating water distribution system of a municipal provider with an assured water supply designation. See A.R.S. § 45-454(C). However, S.B. 1190 also included four exemptions to that general prohibition. See A.R.S. § 45-454(D).

This substantive policy statement presents the Department's interpretation of the exemption listed in A.R.S. § 45-454(D)(4). The Department interprets subsection (D)(4) to require both the landowner and the water provider to

agree to allow the drilling of an exempt well. Under this interpretation, the landowner must provide to the Department a letter or other document signed by the water provider verifying that the landowner shall neither receive nor request water service from the municipal provider while the exempt well is operational. This arrangement protects the interests of both the landowner and the water provider, and ensures that neither binds the other against their will.

**4. Statement as to whether the substantive policy statement is a new statement or a revision:**

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